



STATE OF WEST VIRGINIA  
OFFICE OF THE ATTORNEY GENERAL  
DARRELL V. MCGRAW, JR.  
CONSUMER PROTECTION DIVISION  
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# Press Release

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***FOR IMMEDIATE RELEASE***

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**ATTORNEY GENERAL MCGRAW SETTLES WITH REPOSSESSION AGENT WHO WAS CHARGING CONSUMERS AN UNLAWFUL PERSONAL PROPERTY FEE**

Attorney General Darrell McGraw today announced that his office has entered into a settlement agreement with a repossession agent, Blaine Ash, doing business as Mountain State Asset Recovery & Transport. The agreement requires the repossession business to stop imposing fees on consumers for retrieving personal property from their repossessed vehicles. The Attorney General's investigation was prompted by a complaint from a consumer whose vehicle contained various personal items when it was repossessed. The repossession business attempted to charge him a \$65.00 "personal property fee" before allowing him to retrieve his property from the vehicle.

In most auto loans, the lender takes a security interest in the automobile that the consumer purchases and makes the car collateral for the loan. If the consumer defaults on the loan, the lender may repossess the auto if the loan contract created a proper security interest and the lender provided the consumer and cosigner proper notice and a 10-day opportunity to cure the default as required by West Virginia law. However, neither the lender nor its repossession agent has a security interest in the contents of the auto. Consequently, any actions they take to assume control over the goods or deprive the consumer of possession of them is an unfair or deceptive act or practice and violates West Virginia law. Imposing a fee on a consumer to recover his own goods interferes with the consumer's possession and is an unfair or deceptive act or practice.

To file a complaint about a consumer matter or to alert the Attorney General about unfair or deceptive act or practices call 1-800-368-8808 or by downloading a complaint form from this site.

To download and print a complaint form, please click on the **General Consumer Complaint Form** link at the top of this page.

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